

REMARKS/ARGUMENTS

Claims 1, 14, 15, 25-27, 29, 31-32, 46 and 47 have been rejected under 35 U.S.C. § 102(b) as being anticipated by O.F. Kleeb et al. (U.S. Pat. No. 1,730,938) ("Kleeb"). Claims 41-44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kleeb in view of A.C. Jacobson (U.S. Pat. No. 1,746,594) ("Jacobson"). Applicant has amended claims 1, 14 and 41 to more clearly define Applicant's invention. Applicant has also canceled claims 31, 32, 46 and 47 and added new claims 48 and 49. No new matter has been added.

Responsive to the rejection of claims 1, 14, 15, 25-27, 31, 32, 46 and 47 under 35 U.S.C. § 102(b) as being anticipated by Kleeb, Applicant submits that each of amended independent claims 1, 14 and 41 contain elements not taught by Kleeb.

Amended claims 1, 14 and 41 recite a platform and either an oscillating mechanism or an oscillating saw means disposed on the platform. The Examiner asserts that Kleeb teaches platform (frame) 1 and an oscillating mechanism shown in Figure 1. Kleeb designates frame 1 as having a horizontally disposed plate 32 under which the oscillating mechanism is located. Shown in Figures 1 and 2 of Kleeb, operating lever 17, which is capable of being oscillated, is disposed *within* frame 1 under plate 32 and not *on* frame 1. In fact, operating lever 17 is disposed on plate 2, which is beneath plate 32 and adjacent to frame's 1 lower end. (Kleeb, lines 75-78). Operating lever 17 and other internal components of frame 1 are clearly displayed by the illustrated opening of frame 1 shown in Figure 2. Because operating lever 17 is not disposed *on* frame 1, Kleeb does not teach every element of Applicant's amended claims 1, 14 and 41.

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Responsive to the rejection of claims 15 and 25-27, each of these claims either directly or indirectly depend from amended claim 14 and incorporate all of the elements of amended claim 14 therein. Accordingly, because Kleeb does not teach every element of amended claim 14, Kleeb does not anticipate claims 15 and 25-27.

Responsive to the rejection of claims 31, 32, 46 and 47, each of these claims have been canceled.

Responsive to the rejection of claims 41-44 under 35 U.S.C. § 103(a) as being unpatentable over Kleeb in view of Jacobson, Applicant submits that the combination of these references does not disclose, teach or suggest all of the elements recited in amended claim 41. Amended claim 41 recites a platform and an oscillating mechanism disposed on the platform. As described above, Kleeb teaches an operating lever 17 disposed *within* frame 1 under plate 32 and not *on* frame 1. Jacobson teaches neither a platform nor an oscillating mechanism. For this reason, the combination of Kleeb and Jacobson does not disclose, teach or suggest all of the elements of amended claim 41.

Claims 42-44 indirectly depend from amended claim 41 and incorporates all of the elements of amended claim 41 therein. Since the combination of Kleeb and Jacobson does not disclose, teach or suggest all of the elements of amended claim 41, the combination of the references does not render claims 42-44 obvious.

For all of these reasons, Applicant submits that claims 1, 14, 15, 25-27, 29, 34-44 and new claims 48 and 49 are not disclosed, taught or suggested by the references of record, thereby

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placing the application in condition for allowance. Applicant respectfully requests allowance thereof.

Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-1184.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 29, 2004.

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NAME OF REGISTERED REPRESENTATIVE

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SIGNATURE